

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 10, 2019
Time of Incident:	11:08 PM
Location of Incident:	727 E. 130 th Place
Date of COPA Notification:	October 12, 2019
Time of COPA Notification:	2:30 PM

On October 10, 2019, at approximately 11:08 PM, Officer [REDACTED] and Officer [REDACTED] working in the [REDACTED] district as Beat [REDACTED] stopped a vehicle for a minor traffic violation, in the vicinity of 727 E. 130th Place. The complainant, [REDACTED] (“Mr. [REDACTED]” was a passenger in the vehicle. Mr. [REDACTED] alleges that the vehicle was stopped without justification. Mr. [REDACTED] also alleges that his person and the vehicle was searched without consent or justification. Mr. [REDACTED] further alleges that there was no Investigatory Stop Receipt “ISR” issued after the stop was completed.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment: [REDACTED], 2014, Police Officer, Unit of Assignment: [REDACTED], DOB: [REDACTED], 1985, gender: Male, Race: Hispanic
Involved Officer #2:	[REDACTED] star # [REDACTED], employee ID# [REDACTED] Date of Appointment: [REDACTED], 2014, Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1977, gender: Female, Race: Black
Involved Individual #1:	[REDACTED] 1993, gender: Male, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you stopped the vehicle occupied by [REDACTED] without justification.	Exonerated

	<p>2. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place you searched the person of [REDACTED] without justification.</p> <p>3. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place you searched the vehicle occupied by [REDACTED] without justification.</p> <p>4. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place failed to issue an ISR to [REDACTED]</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place you stopped the vehicle occupied by [REDACTED] without justification.</p> <p>2. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place you searched the person of [REDACTED] without justification.</p> <p>3. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place you searched the vehicle occupied by [REDACTED] without justification.</p> <p>4. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place failed to issue an ISR to [REDACTED]</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

4. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

1. G01-01 – CPD Vision Mission Statement, and Core Values
 2. G02-01 – Human Rights
 3. S04-13-09 – Investigatory Stop System
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Federal Laws

1. Fourth Amendment, United States Constitution
 2. Maryland v. Wilson, 519 U.S. 408
 3. Pennsylvania v. Mimms, 434 U.S. 106
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State Laws

1. 625 ILCS 5/12-201(b)
2. 725 ILCS 5/107-14
3. 725 ILCS 5/108-1.01

V. INVESTIGATION¹

a. Interviews

In an interview with COPA² on October 18, 2019, ██████████ related, on October 10, 2019 at approximately 11:08 PM, the vehicle he was a passenger in was stopped by members of the Chicago Police Department for an alleged traffic stop violation in the vicinity of 727 E. 103rd Place. Mr. ██████████ alleges that the officers performed the traffic stop without justification, during this traffic stop his person and the vehicle was searched without justification. Mr. ██████████ also alleges that officers failed to issue an ISR.

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer ██████████ camera³

The BWC video shows Officer ██████████ as he performs a traffic stop. Officer ██████████ exits his patrol vehicle from the driver side. Officer ██████████ exits from the passenger side. As they

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 24, Audio Interview of ██████████

³ Attachment #16

exit, Officer ██████ states to Officer ██████ “he’s bending over.”⁴ Officer ██████ approaches the driver side, Officer ██████ approaches the passenger side.

Officer ██████ requests the driver license and insurance from the driver and advises him that his headlights are not on. There is a verbal conversation between Officer ██████ and the passenger, now known as ██████ as to why he is being asked to produce ID. Officer ██████ responds, because you don’t have a seatbelt, on that’s why.”⁵

There is constant verbal back and forth between Officer ██████ and Mr. ██████ regarding the law and him not being required to produce an ID. Officer ██████ then requests for a backup unit to respond. As the conversation between Officer ██████ and Mr. ██████ continues, Officer ██████ requests a Sergeant to respond.

Officer ██████ retrieves information from the driver to verify his identity. Officer ██████ proceeds to his patrol vehicle to verify the identity of the driver. While inside his patrol vehicle, Officer ██████ joins and provides him with the school ID card and date of birth for the passenger. Officer ██████ then runs his information to verify his identity.

While processing the information via his police terminal inside the vehicle, Officer ██████ begins to explain to Officer ██████ “we pulled him over for no headlights, whatever, we run the plate and a warrant popped up for somebody, and it’s for unlawful discharge, the driver have no ID, I don’t know who leaned over but my partner said she observed him leaning over.”⁶

Sgt. ██████ arrives on scene. Officer ██████ explains that they stopped the vehicle for a minor traffic violation; and when they ran the plate, a warrant came back for someone. Officer ██████ then explains, as they performed the traffic stop, she observed the driver leaning over. Once they approached, the passenger went back and forth, for several minutes, not wanting to provide identifying information.

The driver then notifies officers that he found his ID. Officers ██████ and ██████ discuss pulling the occupants out for further investigations. Sgt. ██████ advises that if the vehicle has a warrant, and officers are unable to determine the identify the occupants, they have enough reasonable, articulable suspicion to remove the occupants for investigative purposes. As Officer ██████ runs the identifying information for the passenger, ██████ a warrant pops up for Daveon ██████ with an alleged alias of ██████⁷

Officer ██████ then notifies Officer ██████ and Sgt. ██████ that the passenger may have a warrant. Sgt. ██████ advises Officer ██████ to check the data warehouse system for an IR number and a photo. Officer ██████ advises that the person on the IR photo looks like the person who is the passenger of the vehicle.

⁴ Att. 16, Id at 11:08:55

⁵ Att. 16, Id at 11:09:28

⁶ Att. 16, Id at 11:15:00

⁷ Att. 16, Id at 11:18:31

Officer [REDACTED] advises Officer [REDACTED] that the warrant would not be serviceable in Cook County, only surrounding counties of Mercer County, but if the passenger is being untruthful about his identity he could be arrested for obstruction.

Officer [REDACTED] proceeds to the driver side and ask the driver to step out of the vehicle. The driver, Mr. [REDACTED] agrees with no hesitation. While at the police vehicle, Officer [REDACTED] ask Mr. [REDACTED] "Is there anything inside that vehicle, on him, or on you I should know about?" Mr. [REDACTED] responds "No." "Officer [REDACTED] ask do you mind if I check?" Mr. [REDACTED] responds, "Go ahead."⁸ Mr. [REDACTED] advises Officer [REDACTED] that the passenger is someone he met online, he don't know a lot about him, he doesn't frequently hang out with him, he's just giving him a ride home.

Officer [REDACTED] then proceeds to the passenger side of the patrol vehicle where Officer [REDACTED] is entering information from an ID onto the PDT. Officer [REDACTED] says, "this warrant isn't even serviceable that's what all this is about, he had an ID the whole time."⁹

Officer [REDACTED] then says to Mr. [REDACTED] "there's nothing in the car, you mind if I check?" Mr. [REDACTED] responds "sure, go ahead."¹⁰

Officer [REDACTED] proceeds to the vehicle and perform a brief search of the vehicle. After the search, he advises the occupants they can get back in the car. As Mr. [REDACTED] the driver, was walking to enter the car, Officer [REDACTED] asks, "You want a receipt for the stop, you want paperwork for the stop?"¹¹

Officer [REDACTED] returns to the patrol vehicle and, completes an ISR card. Once he completes the ISR, he returns to the stopped vehicle and hands it to the driver, Mr. [REDACTED] along with the passengers ID.¹²

The Body Worn Camera (BWC) footage of Accused Officer [REDACTED] camera¹³

The BWC video shows Officers [REDACTED] and [REDACTED] as they perform a traffic stop. Officer [REDACTED] exits his patrol vehicle from the driver side. Officer [REDACTED] exits the passenger side. As the officers, exit, Officer [REDACTED] tells Officer [REDACTED] "he's bending over."¹⁴ Officer [REDACTED] approaches the driver side, Officer [REDACTED] approaches the passenger side.

Officer [REDACTED] asks the passenger "How you are doing, do you have an ID?"¹⁵ The passenger responds, "why do you need my ID he the driver. Officer [REDACTED] advise the passenger, I understand you're not the driver, but you don't have a seatbelt on that's why I asked for your ID".

⁸ Att. 16, Id at 11:25:30

⁹ Att. 16, Id at 11:26:45

¹⁰ Att. 16, Id at 11:27:00

¹¹ Att. 16, Id at 11:28:35

¹² Att. 16, Id at 11:29:43

¹³ Attachment #17

¹⁴ Att. 17, Id at 11:08:53

¹⁵ Att. 17, Id at 11:09:15

There is constant verbal back and forth between Officer [REDACTED] and the passenger regarding the law and him not having to produce an ID. Officer [REDACTED] requests a Sergeant to respond.

While waiting for a Sergeant to respond, the passenger continues to challenge the authority of Officer [REDACTED] request for an ID and the law. A back up unit arrives; Officer [REDACTED] advises them that they are waiting for a Sergeant to respond.

Officer [REDACTED] then begins to communicate with the passenger. He was able to obtain a student ID, as well as other identifying information, verbally from the passenger, now identified as [REDACTED]

Sgt. [REDACTED] arrives on scene. Officer [REDACTED] explains to him that they stopped the vehicle for a minor traffic violation; and when they ran the plate, a warrant came back for someone. Officer [REDACTED] then explains as they performed the traffic stop, she observed the driver leaning over. Once they approached, the passenger went back and forth for several minutes not wanting to provide identifying information.

Officers [REDACTED] and [REDACTED] discuss pulling the occupants out of the vehicle for further investigations with Sgt. [REDACTED]. Sgt. [REDACTED] advises that if the vehicle has a warrant and officers are unable to determine the identify the occupants, they have enough reasonable, articulable suspicion to remove the occupants for investigative purposes.

Officer [REDACTED] then notifies Officer [REDACTED] and Sgt. [REDACTED] that the passenger may have a warrant. Sgt. [REDACTED] advises Officer [REDACTED] to check the data warehouse system for an IR number and a photo. Officer [REDACTED] advises that the person on the photo looks like the person who is the passenger of the vehicle.

Officer [REDACTED] proceeds to the driver side and asks the driver to step out of the vehicle. The driver, Mr. [REDACTED] is directed to the police vehicle. While standing in front of the police vehicle, Officer [REDACTED] asks Mr. [REDACTED] "Is there anything inside that vehicle I should know about?"¹⁶ Mr. [REDACTED] responds "No."¹⁷

Mr. [REDACTED] exits the vehicle, Officer [REDACTED] proceeds to the vehicle and perform a brief search of the vehicle. Officer [REDACTED] observes the ID card belonging to Mr. [REDACTED] on the front passenger seat. She then returns to her police vehicle to run the identification information.

Officer [REDACTED] then proceeds to the passenger side of the patrol vehicle where Officer [REDACTED] is entering information from the ID onto the PDT. Officer [REDACTED] says, "this warrant isn't even serviceable that's what all this is about, he had an ID the whole time."¹⁸

Officer [REDACTED] returns to the patrol vehicle, he advises Officer [REDACTED] that Mr. [REDACTED] is aware of someone using his name He then completes an ISR card.

¹⁶ Att. 17, Id at 11:25:25

¹⁷ Att. 17, Id at 11:25:28

¹⁸ Att. 17, Id at 11:26:45

c. Documentary Evidence

An **Investigatory Stop Report (“ISR”)**¹⁹, completed by Officer ██████ states that R/O’s observed the vehicle listed in the report commit a minor traffic violation. A LEADS inquiry of the license plate revealed the issuance of an active JISC warrant. The vehicle was stopped for the traffic violation, and on approach R/O’s observed the driver lean toward the floorboard on the passenger side.

R/O’s instructed subject and his passenger to exit the vehicle at which time a protective pat down was conducted. A LEADS inquiry revealed name clear for both and a negative match for the subject of the JISC warrant.

The **Office of Emergency Management and Communication (OEMC) Number Plate Search Details**²⁰ documenting Officer ██████ searched the records of ██████ and ██████ information on October 10, 2019

Assignment and Attendance Records²¹ showing that beat ██████ and vehicle ██████ was assigned to Officers ██████ and ██████ on October 10, 2019.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

¹⁹ Att. 02

²⁰ Att. 04

²¹ Att. 07

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA makes a finding of **EXONERATED** for Allegation 1 against Officers [REDACTED] and [REDACTED] that the officers stopped the vehicle which was occupied by complainant without justification. Illinois Compiled Statute states, "all motor vehicles shall exhibit at least 2 lighted head lamps, with at least one on each side of the front of the vehicle."²² Officers observed the vehicle on a public road, driving with no headlights. The Body worn camera chronicled the stop where Officer [REDACTED] explained to the driver, [REDACTED] that he was being stopped because he was driving with no lights.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy to stop the vehicle occupied by [REDACTED] for violating traffic laws. Therefore, this allegation should be **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 2 against Officers [REDACTED] and [REDACTED] that the officers searched [REDACTED] without justification. The BWC shows that Officer [REDACTED] never searched [REDACTED] she did observe a protective pat down. Officer [REDACTED] did a protective pat down once [REDACTED] was outside the vehicle, incident to an investigatory stop. Based on reasonable suspicion from all evidence obtained that Mr. [REDACTED] may be armed, a protective pat down is permissible.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy to perform a protective pat down. Therefore, this allegation should be **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 3 against Officers [REDACTED] and [REDACTED] that the officers searched the vehicle occupied by [REDACTED] without justification. The BWC shows that Officer [REDACTED] received verbal consent to search from the driver, registered owner of the vehicle, [REDACTED] Officer [REDACTED] only observed and never performed a search. Officer [REDACTED] who had the vehicle owner's consent, performed a minor search of the vehicle not any personal property inside the vehicle.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy as Officer [REDACTED] searched the vehicle occupied by [REDACTED] Therefore, this allegation should be **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 4 against Officers [REDACTED] and [REDACTED] that the officers failed to issue an Investigatory Stop Receipt. The BWC shows that

²² 625 ILCS 5/12-201(b)

Officer [REDACTED] issued an ISR to the driver, [REDACTED] at the end of the stop. Evidence also reveals that an ISR was documented in CLEARNET by Officer [REDACTED] ISR # [REDACTED]

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy as Officer [REDACTED] issued an ISR receipt to [REDACTED] and Officer [REDACTED] properly documented the ISR in the system. Therefore, this allegation should be **EXONERATED**.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you stopped the vehicle occupied by [REDACTED] without justification. 2. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you searched the person of [REDACTED] without justification. 3. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you searched the vehicle occupied by [REDACTED] without justification. 4. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place failed to issue an ISR to [REDACTED]	Exonerated Exonerated Exonerated Exonerated
Officer [REDACTED]	1. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you stopped the vehicle occupied by [REDACTED] without justification. 2. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you searched the person of [REDACTED] without justification. 3. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130 th Place you searched the vehicle occupied by [REDACTED] without justification.	Exonerated Exonerated Exonerated

4. It is alleged that on October 10, 2019 at approximately 11:08pm in the vicinity of 727 E. 130th Place failed to issue an ISR to [REDACTED]

Exonerated

Approved:

[REDACTED]

4-10-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

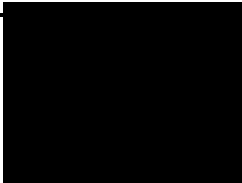
Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Angela Hearts-Glass